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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Working Group on Indigenous Populations
Fourteenth session
29 July-2 August 1996
Item 5 of the provisional agenda

REVIEW OF DEVELOPMENTS PERTAINING TO THE PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF INDIGENOUS PEOPLES

Information received from indigenous peoples' and non-governmental organizations

1. In resolution 1982/34, of 7 May 1982, the Economic and Social Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations, together with information requested annually by the Secretary-General, and to give special attention to the evolution of standards concerning the rights of indigenous populations.

2. The Sub-Commission, in its resolution 1995/38 of 24 August 1995, requested the Secretary-General to transmit the report of the Working Group to indigenous and non-governmental organizations. The Commission on Human Rights in its resolution 1996/40 of 19 April 1996, also requested the Secretary-General to transmit the report of the Working Group to indigenous and non-governmental organizations for comments and suggestions. In accordance with the resolutions, appropriate communications were sent. The present document contains replies received as of 19 June 1996 from indigenous and non-governmental organizations concerned with the promotion and protection of the human rights and fundamental freedoms of indigenous populations. Further replies, if any, will be included in addenda to this document.

CAMPAIGN FOR THE DEMARCATION OF INDIGENOUS LANDS IN CEARA
"LAND DEMARCATED - LIFE GUARANTEED"

[Original: French]
[26 March 1996]

Current situation of the indigenous peoples of Ceará (Brazil)

3. The indigenous inhabitants of Ceará, in the north-east of Brazil, number over 10,000 and belong to eight different peoples: the Canindé, Jenipapo-Canindé, Kalabaça, Pitaguary, Potyguara, Tabajara, Tapeba and Tremembé. We thus live in several regions: on the coast, and inland (in the serras and sertões) up to the outskirts of Fortaleza, the capital of Ceará. It is in this region that the occupation of the north-east by the invaders has been the harshest. The peoples who lived there resisted for a long time, but many of them have lost their lands, their cultures and their lives.

4. Today we enjoy the recognition of certain sectors of organized civil society. Similarly, our identity is recognized by a number of by-laws.

5. We are not alone: we are members of the Indigenous Organization of the North-East/East (APOIMNE), whose headquarters are in Recife, the capital of Pernambuco, and of the Brazilian Indigenous Peoples' and Organizations' Liaison Commission (CAPOIB), whose headquarters are in Brasilia. Through these associations we are able to work with the indigenous peoples who have survived in Brazil.

6. We are currently encountering new difficulties. The President of the Republic, the Minister of Justice and the Minister of Agriculture issued a new decree, on 8 January 1996, modifying the way in which our lands are demarcated and thus instituting a new indigenous policy. Through this decree, the Brazilian Government has officially come out against the traditional rights of the indigenous peoples, even though they were already recognized in the Federal Constitution of 1988. For the first time, this Constitution recognized our rights without providing for the "integration" of the indigenous peoples into national society. This was a great victory, even though in practice implementation of the Constitution is difficult. However, we would never have imagined that the victory would be so short-lived.

7. Thanks to this new decree (No. 1775 of 8 January 1996), land already demarcated is liable to modification and reduction in area and may even be taken back permanently, since it is now the Minister of Justice who decides who constitutes (or does not constitute) an indigenous people.

8. Our sole wish is to overcome the problems. We do not want to continue dying after having been simply exiled from our sacred lands, even though in some cases they were no more than small plots. We want to have enough land to live on and to celebrate our hopes, our joys and the lives of our children, we who, since birth, have been living under the threat of death. Discrimination and persecution form part of our lives. We want to live in peace and thus suffer no longer.

9. Since 1993 we have been involved in the Campaign for the Demarcation of Indigenous Lands, a movement which has acquired an international dimension. Some 500 years ago, at the time of the first invasion, we lost much of our land and culture. However, we are still alive and are attached to our indigenous way of life.

10. This desire to live in this way is strengthened through the solidarity and friendship which our indigenous brothers and sisters extend towards us, solidarity and friendship on which we rely to bolster our resistance and our efforts to have Decree No. 1755 rescinded and to help us to change Brazil's policy towards its indigenous inhabitants.